

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

STEPHEN H. WHITT,

Petitioner,

vs.

Civil Action 2:15-CV-560  
Judge Marbley  
Magistrate Judge King

WARDEN, LEBANON CORRECTIONAL  
INSTITUTION,

Respondent.

REPORT AND RECOMMENDATION

Petitioner has filed a motion for leave to proceed *in forma pauperis*, ECF 3, and has also paid the \$5.00 filing fee.

Petitioner's motion indicates that, at this juncture, he is able to financially bear the cost of pursuing this action. If an evidentiary hearing is required to resolve the issues presented in the *Petition*, the Court will reconsider petitioner's application for leave to proceed *in forma pauperis*.

It is therefore **RECOMMENDED** that petitioner's motion for leave to proceed *in forma pauperis*, ECF 3, be denied.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after

being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. See, e.g., *Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that "failure to object to the magistrate judge's recommendations constituted a waiver of [the defendant's] ability to appeal the district court's ruling"); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court's denial of pretrial motion by failing to timely object to magistrate judge's report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) ("[A] general objection to a magistrate judge's report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal . . . .") (citation omitted)).

March 3, 2015  
(Date)

s/Norah McCann King  
Norah M<sup>c</sup>Cann King  
United States Magistrate Judge